

0019
11-14-08

United States District Court

DISTRICT OF ARIZONA

UNITED STATES OF AMERICA

v.

Jose Luis Diaz-Zamora

a.k.a.: Jose Luis Zamora-Diaz,

A 098 915 329

CRIMINAL COMPLAINT

CASE NUMBER: 08-7416M

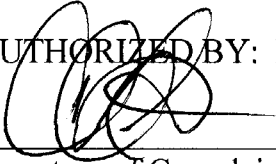
I, the undersigned complainant, being duly sworn, state that the following is true and correct to the best of my knowledge and belief:

On or about October 19, 2008, Jose Luis Diaz-Zamora, an alien, entered, and was found in the United States of America at or near Phoenix, Arizona, in the District of Arizona, after having been previously denied admission, excluded, deported, and removed from the United States at or near Nogales, Arizona, on or about May 27, 2005, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, sections 1326(a) and enhanced by (b)(2).

I further state that I am a Deportation Officer of the United States Immigration and Customs Enforcement and that this complaint is based on the following facts:

See Attached Statement of Probable Cause Incorporated By Reference Herein

AUTHORIZED BY: Elaine Whiffen, P.S., for AUSA Melissa Karlen



Signature of Complainant, Christine Hoopes, Deportation Officer

Sworn to before me and subscribed in my presence, November 17, 2008, at Phoenix, Arizona.



Signature of Judicial Officer

Edward C. Voss

United States Magistrate Judge

STATEMENT OF PROBABLE CAUSE

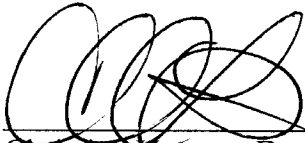
I, Christine Hoopes, being duly sworn, hereby depose and state as follows:

1. Your affiant is a Deportation Officer with United States Immigration and Customs Enforcement (ICE). I have learned from direct participation in the investigation and from the reports and communications of other agents and officers the facts recited herein.
2. On or about October 19, 2008, the Phoenix Police Department arrested and booked Jose Luis Diaz-Zamora into the Maricopa County Jail on local charges. While incarcerated at the Maricopa County Jail, Diaz-Zamora was examined by Sheriff's deputies designated with authority to determine alienage under the Immigration and Nationality Act, section 287(g). Sheriff's deputies determined Diaz-Zamora to be a Mexican citizen unlawfully present in the United States. On the same day, an immigration detainer was lodged with the Maricopa County Jail. On October 14, 2008, Diaz-Zamora was released to the custody of ICE and transported to the Phoenix ICE detention for further investigation and processing. Diaz-Zamora was held in administrative custody until immigration documents could be obtained and identity confirmed.
3. Immigration history checks revealed Jose Luis Diaz-Zamora to be a Mexican citizen and previously deported criminal alien. Diaz-Zamora was removed from the United States to Mexico through Nogales, Arizona, on May 27, 2005, pursuant to a final

administrative removal order issued by an immigration official. A check of Department of Homeland Security databases, including the system used for recording and tracking all applications for benefits, waivers and documents, yielded no record that consent to reapply for admission to the United States was requested by or granted to Diaz-Zamora after his removal. Diaz-Zamora's immigration history was matched to him through electronic fingerprint comparison.

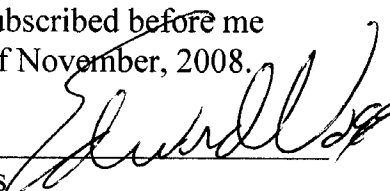
4. Criminal history checks revealed Jose Luis Diaz-Zamora was convicted of Possession of Narcotic Drugs for Sale, a felony offense, on March 2, 2005, in the Superior Court of Arizona, Maricopa County. Diaz-Zamora was sentenced to a term of three (3) years probation and six (6) months incarceration. Diaz-Zamora's criminal history was matched to him through electronic fingerprint comparison.
5. Jose Luis Diaz-Zamora was advised of his constitutional rights. Diaz-Zamora freely and willingly acknowledged and waived his rights. Diaz-Zamora agreed to give a statement to agents without legal counsel present. Diaz-Zamora declared under oath that his true and complete name is Jose Luis Diaz-Zamora and that he is a citizen of Mexico. Diaz-Zamora acknowledged that he had been previously deported from the United States to Mexico. He further admitted that he had returned to the United States thereafter without requesting or receiving permission from the Secretary of the Department of Homeland Security to re-enter the United States.
6. For these reasons, the affiant submits that there is probable cause to believe that on or about October 19, 2008, Jose Luis Diaz-Zamora, an alien, entered, and was found in the United States of America at or near Phoenix, Arizona, in the District of Arizona,

after having been previously denied admission, excluded, deported and removed from the United States at or near Nogales, Arizona, on or about May 27, 2005, and not having obtained the express consent of the Secretary of the Department of Homeland Security to reapply for admission thereto; in violation of Title 8, United States Code, sections 1326(a) and enhanced by (b)(2).



Christine Hoopes, Deportation Officer
Immigration and Customs Enforcement

Sworn to and subscribed before me
This 17th day of November, 2008.



Edward C. Voss
United States Magistrate Judge